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March 1, 2004

Washington State Legislators, 17th District
Washington State Legislators, 18th District
Washington State Legislators, 49th District

Dear Senator/Representative:

We are writing in the hope of furthering your understanding and clearing up some misconceptions surrounding our recent discussion of a proposed memorandum of understanding with the Cowlitz Indian Tribe.

After more than a year of discussions, we held a public hearing to consider a revised draft agreement on February 10. Public testimony that day was lengthy and complete. Your letter dated February 13 arrived in our office on February 17, after we had begun public deliberations in our hearing room. Consequently, there was no opportunity for us to consider your most recent comments prior to our deliberations. Nevertheless, we do believe that your concerns have been addressed in various forms and forums during the many months there has been public knowledge of the tribe's intent to develop property at the La Center Junction.

Widespread knowledge of these discussions extends back to 2002, when the county was called upon to comment on the tribe's application to have land taken into trust. Card room owner George Teeny then sponsored a mass mailing in the La Center and Ridgefield areas and our 18th District legislators expressed concerns to the U.S. Department of Interior, Bureau of Indian Affairs. We noted then that the county must prepare for what the future might hold, based on tribal decisions *and federal law*. Thus, the agreement represents considerable effort to establish effective working relations between the tribe and local service providers in the absence of traditional taxing arrangements.

In a well publicized July 2003 announcement, the county distributed a proposed agreement with the tribe and opened a public comment period extending through September 12, 2003. We received extensive comments, including a large submittal from attorneys representing the business interests of La Center. In response to the comments, we again advised interested parties that the federal government would determine whether the land comes under tribal trust, in which case Clark County would have no formal authority over the land in question. In a similar vein, we stated our view that any agreement between Clark County and the tribe would not be all-encompassing. Specifically, we noted that other organizations and individuals may need to consider discussions and relevant agreements with the tribe. The agreement was subsequently revised following the public comment period.

Having been as forthright and forthcoming as possible under the circumstances, we are somewhat troubled by the recent misunderstanding and distortion surrounding this situation. In the interest of good will, however, we turn now to specific points in your letter.

You allude to a contract dispute between a tribe in *Wisconsin* and a former judge who was hired by that tribe. Our agreement is with the *Cowlitz* tribe of *Washington* and calls for disputes to be settled in Clark County Superior Court, if necessary.

Next, you question why the agreement does not address federal environmental requirements. These, quite simply, are not within the county's jurisdiction or purview. Likewise, the county is not in a position to require an environmental impact statement. There has been no event or activity that would trigger a requirement for an environmental impact statement. We are relying on the federal government to apply the appropriate environmental review process in connection with the trust application.

As for traffic and transportation, the agreement calls for the tribe to address impacts on NW 319th Street, NW 324th Street, NW 41st Avenue, and the I-5/319th Street interchange. It goes on to state that "... interchange improvements shall be approved by the Washington State Department of Transportation ..."

In matters traditionally involving state jurisdiction, such as workers compensation and employment security, we respectfully suggest that the county is not empowered to intervene. It would appear that problem solving will need to derive from experience with similar situations involving trust lands in Washington.

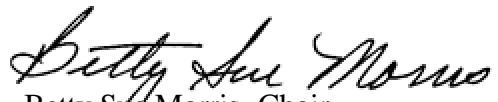
Should the Cowlitz decide to develop a casino, we understand that the tribe will need to obtain a gaming compact with the State of Washington. Discussions surrounding a gaming compact would perhaps afford you an opportunity to examine issues that typically are the province of the state.

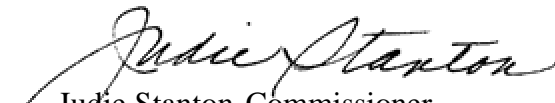
Finally, you ask about the economic impact on La Center, which is difficult to predict. Naturally, we are concerned about the economic viability of all communities within Clark County. As you know, we have been particularly concerned about financing public services under the revenue constraints facing all local jurisdictions.


In this instance, it has long been our expectation that the City Council would advocate for the city's interests, in consultation with legal counsel. For our part, we have no authority to negotiate agreements on behalf of the city. So it seems only fitting to recall that the news media have documented a long-running discussion between citizens of La Center and their elected city officials regarding the stance and actions the city should take relative to the tribe's actions and aspirations.

We thank you for your interest. As always, we look forward to working together to further the public interest in the face of our many challenges.

Sincerely,


Betty Sue Morris, Chair


Judie Stanton, Commissioner


Craig A. Pridemore, Commissioner

BOCC/mk

c: La Center City Council
Woodland City Council
Ridgefield City Council
Clark County Sheriff Garry Lucas
Fire District 12, Chief Larry Bartel
WSDOT, Secretary Doug MacDonald
WSDOT, Don Wagner
Washington Department of Labor and Industries, Director Paul Trause
Washington Department of Employment Security, Commissioner Sylvia P. Mundy